

**FIRST AMENDMENT
To the
Contract
between
KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
and
SUNFLOWER STATE HEALTH PLAN, INC.
For
Managed Care for Medicaid and CHIP Programs (KanCare)**

The above referenced agreement entered into by and between the Secretary of the Kansas Department of Health and Environment, hereinafter referred to as KDHE, and Sunflower State Health Plan, Inc., whose address is 534 South Kansas Avenue, Suite 305, Topeka, Kansas 66603 ("Contractor" or "SUNFLOWER") beginning June 27, 2012 ("Original Agreement") is hereby amended by agreement of the parties (this "Amendment").

I. Background:

KDHE has received comments and recommendations regarding the KanCare Section 1115 Demonstration Application as it relates to American Indians and Alaska Natives (AI/AN) through the Indian Health Service, tribal and urban (I/T/U) health system. As a result of these comments and discussions with the interested parties, KDHE and Contractor have agreed to amend the contract to memorialize these recommendations.

II. AI/AN Enrollment:

KDHE agrees to revise the KanCare Section 1115 Demonstration Application to provide for presumptive but voluntary enrollment for AI/AN populations. Indian Medicaid beneficiaries will be presumptively enrolled in KanCare with the option of affirmatively disenrolling, or opting-out, of the program. The definition of AI/AN will be accepted as consistent with the definition adopted by the Center for Medicare and Medicaid Services (CMS) in the implementation of Medicaid cost-sharing protections under the American Recovery and Reinvestment Act. In addition, the term "Indian" will be defined consistent with 42 C.F.R. 447.50.

III. American Recovery and Reinvestment Act Protections:

The KanCare MCO contracts have included protections in Federal law; however KDHE and the Contractor have agreed to include an Addendum for Indian Health Care Providers to clarify these protections.

Therefore the following changes are made to the contract:

- a) Section XV (Indian Tribe, Tribal Organization, or Urban Indian Organizations) will add a new subsection (f) after subsection (e) which reads:

"f. Special payment requirements, as under ARRA Section 5006(d)."
- b) Re-number Section XV subsections accordingly.
- c) Section XV subsection (a) shall be amended to read:

"a. No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing or similar charge for an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization or Urban Indian Organization or through referral under contract health services, as under ARRA Section 5006(a)."

d) Section XV subsection (c) shall be amended to read:

"c. I/T/U and CHS provider payments may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing or similar charge, as under ARRA section 5006(a)."

e) Section XV subsection (d) shall be amended to replace "5005(b)" with "5006(b)".

f) Section XV shall be amended by adding the following language at the end of the section:

"All provider contracts between Contractor and an I/T/U provider (including Indian Health Services and 638 clinics) shall include and incorporate the attached Addendum for Indian Health Care Providers."

IV. Other:

The remaining terms and conditions of the above referenced Original Agreement and any attachments and amendments thereto, shall remain in force and effect and binding on the parties hereto.

IN WITNESS HEREOF, Sunflower State Health Plan, Inc., KDHE and the Director of Procurements and Contracts, hereto affix their signatures to the Amended Contract.

Sunflower State Health Plan Inc.

By: 

Title: EVP, Corporate Development and Operations

Date: August 20, 2012


Kansas Department of
Health and Environment

By: 

Title: Secretary

Date: 9.13.12

Kansas Department of
Administration


TS Chris Howe, Director
Procurement and Contracts

Date: 9/19/12

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